

Remarks and Arguments

Applicant has carefully considered the Office Action dated July 15, 2003 and the references cited therein. Applicant respectfully requests reexamination and reconsideration of the application.

Claims 1, 4, 7-8, 10, 13-14, 16 and 19 stand rejected under 35 USC Section 102(b) as being anticipated by United States Patent 5, 706,449, Liu et al., hereafter referred to Liu. In setting forth the rejections, the Examiner has expressly admitted that Liu does not teach a directional command identifying a relative direction of a position of the second displayed data item to a position of the first displayed data item. Applicant has now amended method claim 2 to include all the limitations of claim 1. Specifically, claim 2 now recites up a method including "receiving, through the user interface, a directional command identifying a relative direction of a position of the second displayed data item to a position of the first displayed data item" (claim 2, lines 7-9). Claim 4 has been amended to depend from amended claim 2. Claim 1 has been canceled, without prejudice. In light of the Examiner's admission on the record as to the deficiencies of the Liu reference, Applicant respectfully asserts that claim 2 and its respective dependent claims are not anticipated by Liu.

Computer program product claim 9 has been amended to include the limitations of claim 8 (claim 9, lines 8-10) and is similarly believed, along with its respective dependent claims, not anticipated by Lui for at least the same reasons as claim 1, as well as for the merits of their own respective limitations. Claim 8 has been canceled, without prejudice.

Similarly, apparatus claim 15 has been amended to include the limitations of claim 14 (claim 15, lines 7-9) and is similarly believed, along with its respective dependent claims, not anticipated by Lui for at least the same reasons as claim 1 and 9, as well as for the merits of their own respective limitations. Claim 14 has been canceled, without prejudice.

In setting forth the rejections, the Examiner has also expressly admitted that Liu does not teach defining a relative position of displayed data item to an icon. Applicant has now amended method claim 5 to include all the limitations of claim 1. Specifically,

claim 2 now recites up a method including "receiving data defining a position of a selection icon relative to the first displayed data item " (claim 5, lines 6-7). Claim 6 has been amended to depend from amended claim 5. In light of the Examiner's admission on the record as to the deficiencies of the Liu reference, Applicant respectfully asserts that claim 5 and its respective dependent claims are not anticipated by Liu.

Computer program product claim 11 has been amended to include the limitations of claim 9 (claim 11, lines 8-9) and is similarly believed, along with its respective dependent claims, not anticipated by Lui for at least the same reasons as claim 5, as well as for the merits of their own respective limitations.

Similarly, apparatus claim 17 has been amended to include the limitations of claim 14 (claim 15, lines 7-8) and is similarly believed, along with its respective dependent claims, not anticipated by Lui for at least the same reasons as claim 5 and 11, as well as for the merits of their own respective limitations.

Claims 7, 13, and 19, have been canceled, without prejudice. The amendments to the claims as set forth herein, including the addition or cancellation of any claims, have been offered to advance this application to issue. None of the amendments made herein should be construed as an admission that the subject matter of the claims, as originally filed, is anticipated by or made obvious in light of any art of record whether considered singularly or in combinations. Applicant expressly reserves the right to pursue the originally filed claims in another co-pending application without being prejudiced by any amendments, including cancellation of claims, made herein.

In addition, claims 5-6 and 11-12 stand rejected under 35 USC Section 103(a) as being unpatentable over Liu and United States Patent 5,767,850, Ramanathan et al., hereafter referred to as Ramanathan. In setting forth the rejections, the Examiner has also expressly admitted that Liu does not teach defining a relative position of displayed data item to an icon. Instead, the Examiner is relying on Ramanathan alleging that Ramanathan teaches a relocatable menu icon system which teaches determining relative position between a menu icon and a title bar. The Examiner further alleges that it would have been obvious to one of ordinary skill in the art, having the teaching of Lui and Ramanathan before him at the time the invention was made to modify the interface method taught by Lui to include determining relative position between a menu icon and

a displayed item title bar as taught by Ramanathan with the motivation being to enable the user to quickly and conveniently locate the displayed data items. In response, Applicant respectfully traverses such rejection of claims 5-6 and 11-12 under 35 U.S.C. §103(a) on the grounds that the Examiner has failed to create a *prima facie* case of obviousness. Specifically, claim 5, as amended, now recites "receiving data defining a position of a selection icon relative to the first displayed data item" (claim 5, lines 6-7). Claim 5 further recites "swapping the first displayed data item with the second displayed data item" (claim 5, lines 8-9). Ramanathan discloses a system in which a menu icon is used as a link to another application, not as a selector of a data item(s) involved in a swap operation. Even if the Examiner's allegation that Ramanathan teaches a determining the relative position between a menu icon and a title bar, were true, such teaching does not make obvious, disclose or suggest the use of a selection icon position as the selector of one of two data components in a data swap operation. The menu icon 210 of Fig. 2 of Ramanathan is not a selection icon. In fact, the menu icon 210 is movable within the title bar 222, without any change in selection of the data item (Ramanathan, column 4, lines 52-54). Conversely, in the present invention, the defined position of a selection icon relative to the first displayed item indicates that the item is a candidate for the swap operation, as illustrated in Figures 3A-D of the subject application. Given this distinction, it is not clear how the teachings of Lui and Ramanathan would be combined as the proposed modification of Ramanathan would change the principle of operation of the Lui reference. Accordingly, Applicant respectfully traverses this rejection as improper.

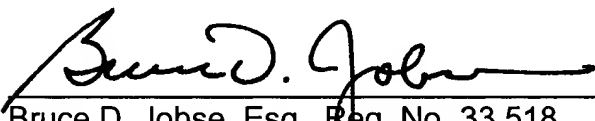
Finally, claims 2-3, 9, 15 and 17-18 stand rejected under 35 USC Section 103(a) as being unpatentable over Liu and United States Patent 4, 839,640, Ozer et al., hereafter referred to Ozer. In setting forth the rejections, the Examiner has expressly admitted that Liu does not teach a directional command identifying a relative direction of a position of the second displayed data item to a position of the first displayed data item. Instead, the Examiner is relying on Ozer alleging that the entering of a directional command through the user interface is well-known in the art and that those are teach is an access control system which comprises the use of arrow (directional) keys to enter commands. Examiner further alleges that it would have been obvious to one of ordinary

skill in the art, having to the teaching of Liu and Ozer before him at the time the invention was made, to modify the interface method taught by Liu to include the entering directional commands by using arrow keys taught by Ozer with the motivation being to enable the user to quickly and conveniently enter commands.

Again, Applicant respectfully traverses such rejection for the following reasons. The system disclosed in the Ozer reference generally predated the use of graphic user interfaces that contain sophisticated or iconic representations of data (priority date of September 24, 1984) Accordingly, it is not clear how the teachings of Lui and Ozer would be combined as the proposed modification of Ozer, which has a primarily hardware-based selection circuitry, would change the principle of operation of the Lui reference, which has a primarily software-based graphic user face. Neither reference includes a teaching suggestions are motivation as to how these disparate technologies would be combined to accomplish the subject matter as claimed. Accordingly, Applicant respectfully traverses this rejection as improper.

Applicant believes the claims are in allowable condition. A notice of allowance for this application is solicited earnestly. If the Examiner has any further questions regarding this amendment, he/she is invited to call Applicant's attorney at the number listed below. The Examiner is hereby authorized to charge any fees or credit any balances under 37 CFR §1.17, and 1.16 to Deposit Account No. DA-12-2158.

Respectfully submitted,



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